



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL SPECIAL DISTRICT IN WAIMANALO.

WHEREAS, under Chapter 21, Revised Ordinances of Honolulu 1990 ("ROH"), the Land Use Ordinance ("LUO"), the purpose of a special district is to guide development in certain areas of the City in need of restoration, preservation, redevelopment, or rejuvenation in a manner that protects and/or enhances the physical and visual aspects of the area for the benefit of the community as a whole; and

WHEREAS, the agricultural land in Waimanalo is unique for a number of reasons:

1. The largest concentration of high-quality agricultural land in Koolau-poko is in Waimanalo, which is also within reasonable reach of the Honolulu market and overseas shipping terminals.
2. Due to historical, physical, and economic factors, most of these agricultural operations consist primarily of small farms.
3. As noted in the revised Koolau-poko Sustainable Communities Plan ("SCP") recently enacted by Ordinance 17-42, this pattern of small farms, typically with a dwelling on the same lot, presents a paradox. On the one hand, this arrangement enhances the economic feasibility of an agricultural operation by (a) minimizing land costs; (2) enhancing security for agricultural products and equipment; (3) allowing more efficient access for daily maintenance; and (4) avoiding the cost of a separate home site for the farmer. On the other hand, this pattern may lead to gradual transformation of agricultural areas to large-lot residential neighborhoods, induced by real estate development pressures.
4. Development pressure is exacerbated as conflicts arise between agricultural use and nearby residences or nonagricultural uses that move into agricultural areas. Waimanalo farms are located in close proximity to large suburban communities. As such, Waimanalo is a desirable location for schools, meeting facilities and similar nonagricultural uses because it is close to their student or client base; and



RESOLUTION

WHEREAS, based on the foregoing, the Koolaupoko SCP includes policies to encourage agricultural use of small lots and prevent the conversion of agricultural lands to residential or other nonagricultural uses, including crafting regulations in zoning codes to give preference to agriculture use over residential use, and limiting non-agricultural uses to those that provide support services for agricultural operations; and

WHEREAS, the Council therefore desires to propose an amendment to the LUO to establish a special district in Waimanalo to preserve and protect the agricultural lands therein; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513 includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513 and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the Land Use Ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

APR 10 2018 10:34 AM CITY CLERK

No. 18-82

RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the Clerk shall transmit copies of this resolution and the Exhibit A attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

APR 10 2018

Honolulu, Hawaii

Councilmembers

FILED
APR 10 2019
PURSUANT TO ROH Sec. 1-2.5

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO THE ESTABLISHMENT OF AN AGRICULTURAL SPECIAL DISTRICT
IN WAIMANALO.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and purpose. The Council finds that the agricultural land
in Waimanalo is unique for a number of reasons:

1. The largest concentration of high-quality agricultural land in Koolaupoko is
in Waimanalo, which is also within reasonable reach of the Honolulu
market and overseas shipping terminals.
2. Due to historical, physical, and economic factors, most of these
agricultural operations consist primarily of small farms.
3. As noted in the Koolaupoko Sustainable Communities Plan (SCP), ROH
Chapter 24, Article 6, this pattern of small farms, typically with a dwelling
on the same lot, presents a paradox. On the one hand, this arrangement
enhances the economic feasibility of an agricultural operation by (a)
minimizing land costs; (2) enhancing security for agricultural products and
equipment; (3) allowing more efficient access for daily maintenance; and
(4) avoiding the cost of a separate home site for the farmer. On the other
hand, this pattern may lead to gradual transformation of agricultural areas
to large-lot residential neighborhoods, induced by real estate development
pressures.
4. Development pressure is exacerbated as conflicts arise between
agricultural use and nearby residences or nonagricultural uses that move
into agricultural areas. Waimanalo farms are located in close proximity to
large suburban communities. As such, Waimanalo is a desirable location
for schools, meeting facilities, and similar nonagricultural uses because it
is close to their student or client base.

Based on the foregoing, the Koolaupoko SCP includes policies to encourage
agricultural use of small lots and prevent the conversion of agricultural lands to
residential or other nonagricultural uses, including crafting regulations in zoning codes
to give preference to agriculture use over residential use, and limiting non-agricultural
uses to those that provide support services for agricultural operations.



A BILL FOR AN ORDINANCE

Accordingly, the purpose of this ordinance is to amend the Land Use Ordinance to establish a special district in Waimanalo to preserve and protect the agricultural lands therein.

SECTION 2. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, is amended to add a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 21-9. Waimanalo agricultural special district.

- (a) The largest concentration of high-quality agricultural land in Koolaaupoko is in Waimanalo, which is also within reasonable reach of the Honolulu market and overseas shipping terminals. Due to historical, physical, and economic factors, most of these agricultural operations consist primarily of small farms in close proximity to large suburban communities. This situation makes these agricultural lands unique because it enhances the economic feasibility of the agricultural operations but also subjects the lands to real estate development pressures and exacerbates conflicts between agricultural uses and nearby residences and nonagricultural uses that move into the agricultural areas.
- (b) Therefore, it is necessary to preserve and protect Waimanalo agricultural lands by designating a special district to regulate the uses in these agricultural areas.

Sec. 21-9. -1 Objectives.

The objectives of the Waimanalo agricultural special district are to preserve and protect the unique agricultural lands in Waimanalo.

Sec. 21-9. -2 District boundaries.

The boundaries and included area of the district are designated on Exhibits 21-9. and 21-9. -A, set out at the end of this article.

Sec. 21-9. -3 Permitted uses.

Within the Waimanalo agricultural special district, permitted uses and structures are as enumerated in Table 21-9. .



A BILL FOR AN ORDINANCE

Table 21-9.
Waimanalo Agricultural Special District
Permitted Uses and Structures

<u>Use or Structure</u>	<u>Use Code</u> <u>(Refer to Table</u> <u>21-3 for Key)</u>	
	<u>AG-1</u>	<u>AG-2</u>
<u>Agriculture</u>		
<u>Agribusiness activities</u>	<u>Cm</u>	<u>Cm</u>
<u>Agricultural products processing, minor</u>	<u>P/c</u>	<u>P/c</u>
<u>Agricultural products processing, major</u>	<u>C</u>	<u>C</u>
<u>Aquaculture</u>	<u>P</u>	<u>P</u>
<u>Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets</u>	<u>P/c</u>	<u>P/c</u>
<u>Composting, minor</u>	<u>P/c</u>	<u>P/c</u>
<u>Crop production</u>	<u>P</u>	<u>P</u>
<u>Forestry</u>	<u>P</u>	<u>P</u>
<u>Roadside stands, accessory</u>	<u>Ac</u>	<u>Ac</u>
<u>Sale and service of machinery used in agricultural production</u>	<u>P/c</u>	<u>P/c</u>
<u>Storage and sale of seed, feed, fertilizer and other products essential to agricultural production</u>	<u>P/c</u>	<u>P/c</u>
<u>Animals</u>		
<u>Kennels, commercial</u>		<u>P/c</u>
<u>Livestock grazing</u>	<u>P</u>	<u>P</u>
<u>Livestock production, minor</u>	<u>P</u>	<u>P</u>
<u>Livestock production, major</u>	<u>P/c</u>	<u>P/c</u>
<u>Livestock veterinary services</u>	<u>P</u>	<u>P</u>
<u>Commerce and Business</u>		
<u>Home occupations</u>	<u>Ac</u>	<u>Ac</u>
<u>Plant nurseries</u>	<u>P/c</u>	<u>P/c</u>



A BILL FOR AN ORDINANCE

Table 21-9.
Waimanalo Agricultural Special District
Permitted Uses and Structures

<u>Use or Structure</u>	<u>Use Code</u> <u>(Refer to Table 21-3 for Key)</u>	
	<u>AG-1</u>	<u>AG-2</u>
<u>Dwellings and Lodgings</u>		
<u>Farm dwellings</u>	<u>P/c</u>	<u>P/c</u>
<u>Outdoor Recreation</u>		
<u>Recreation facilities, outdoor</u>		<u>Cm</u>
<u>Utilities and Communications</u>		
<u>Antennas, broadcasting</u>	<u>Cm</u>	<u>Cm</u>
<u>Antennas, receive only</u>	<u>Ac</u>	<u>Ac</u>
<u>Utility installations, Type A</u>	<u>P/c</u>	<u>P/c</u>
<u>Utility installations, Type B</u>	<u>Cm</u>	<u>Cm</u>
<u>Wind machines</u>	<u>Cm</u>	<u>Cm</u>
<u>Up to 100 kW</u>	<u>Ac</u>	<u>Ac</u>
<u>Miscellaneous</u>		
<u>Historic structures, use of</u>	<u>Cm</u>	<u>Cm</u>
<u>Joint development</u>	<u>Cm</u>	<u>Cm</u>

SECTION 3. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, is amended by adding two new Exhibits to be appropriately designated by the Revisor of Ordinances and to read as set forth in Exhibit 1 attached hereto.

SECTION 4. Section 21-9.20-2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.20-2 **Major, minor, and exempt projects.**



A BILL FOR AN ORDINANCE

All development in any special district except the Waimanalo agricultural special district shall be classified into one of three categories: major, minor, or exempt. Major and minor projects shall require a special district permit and shall be processed under Sections 21-2.40-2 and 21-2.40-1, respectively. Tables 21-9.1 through 21-9.7 shall be used as a guide to determine the category of a particular project within each special district.

- (a) Major Permits. These permits are intended for projects that may significantly change the intended character of the special district. All major permits shall be reviewed by the design advisory committee as specified in Section 21-2.40-2.
- (b) Minor Permits. Minor permits are intended for projects which will have limited impact and are considered minor in nature. The director shall have the right to review and modify such projects.
- (c) Exempt Projects. Exempt projects will have negligible or no impact and therefore do not require review. They include projects which require emergency repairs, interior work and do not change the exterior appearance of a structure."

SECTION 5. Section 21-9.20-4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.20-4 Utility lines.

Notwithstanding any ordinance or regulation to the contrary, utility companies shall place their utility lines underground within any special district~~[-]~~ except the Waimanalo agricultural special district. The director may grant an exemption to utility lines based on the applicant's satisfactory justification that no other alternative will better achieve the district's purpose and objectives."

SECTION 6. Section 21-9.20-5, Revised Ordinances of Honolulu 1990 ("Design advisory committee"), is amended by amending subsection (a) to read as follows:

- "(a) The director shall appoint a design advisory committee which shall provide design input to the director on significant proposals in the special districts~~[-]~~ except the Waimanalo agricultural special district. The committee shall hear proposals for major special district permits and advise the director concerning the approval, denial or modification of these projects based on the purposes, objectives and design controls of the particular special district."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 7. In Sections 2, 4, 5, and 6 of this ordinance, ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring. The Revisor of Ordinances shall determine the appropriate placement in Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, for the map and list found in Exhibit 1 attached to this ordinance.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 8. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

EXHIBIT 1

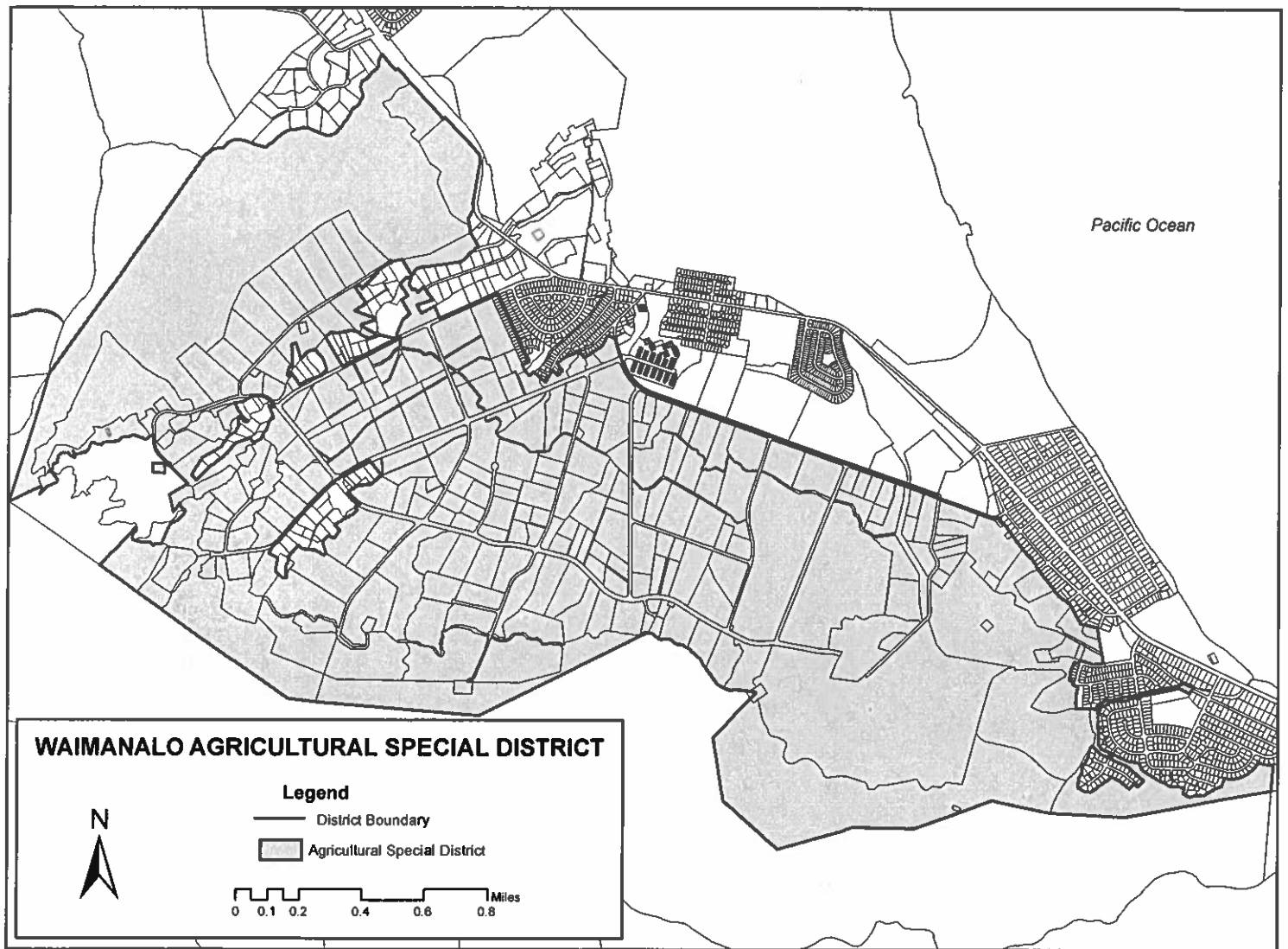


EXHIBIT 21-9. __

EXHIBIT 21-9.____-A
WAIMANALO AGRICULTURAL SPECIAL DISTRICT

LIST OF INCLUDED PARCELS BY TAX MAP KEY NUMBER

41008001	41010025	41010076	41024036	41024078	41024119	41025055	41026032	41035008
41008002	41010026	41010078	41024037	41024079	41024120	41025057	41027001	41035009
41008004	41010027	41010079	41024038	41024080	41024999	41025058	41027002	41035010**
41008005	41010028	41010081	41024039	41024081	41025004	41025059	41027003	41035011
41008008	41010029	41010083	41024040	41024082	41025006	41025060	41027004	41035012
41008010	41010030	41010086	41024041	41024083	41025007	41025061**	41027005	41035013
41008045	41010031	41010088	41024042	41024084	41025008	41025062	41027006	41035014
41008046	41010032	41010092	41024043	41024085	41025009	41025063	41027007	41035016
41008054	41010033	41010095	41024044	41024086	41025010	41025064	41027008	41035018
41008059	41010034	41010102	41024045	41024087	41025011	41025065	41027009	41035019
41008071	41010035	41010106	41024046	41024088	41025012	41025066	41027010	41035020
41008072	41010036	41010107**	41024047	41024089	41025013	41026001	41027011	41040030
41008073*	41010037	41018027	41024048	41024090	41025014	41026002	41027012	41040031
41008074	41010038	41018040	41024049	41024091	41025015	41026003	41027013	41040032
41008075	41010039	41024011	41024050	41024092	41025016	41026004	41027014	41040033
41008076	41010040	41024012	41024051	41024093	41025017	41026005	41027015	41040034
41008079	41010041	41024013	41024052	41024094	41025018	41026006	41027016	41040035
41008080	41010042	41024014	41024053	41024095	41025019	41026007	41027017	41040036
41008081	41010043	41024015	41024054	41024096	41025021	41026009	41027018	41040037
41008091	41010044	41024016	41024055	41024097	41025022	41026010	41027019	41040038
41008092	41010045	41024017	41024056	41024098	41025023	41026011	41027020	41040039
41008093	41010046	41024018	41024057	41024099	41025024	41026012	41027021	41040040
41008094	41010047	41024019	41024058	41024100	41025025	41026013	41027022	41040041
41008095	41010048	41024020	41024059	41024101	41025026	41026014	41027023	41040042
41008096	41010049**	41024021	41024060	41024102	41025027	41026015	41027024	41040043
41008097	41010059	41024022	41024061	41024103	41025028	41026016**	41027025	41040044
41008098	41010060	41024023	41024062	41024104	41025029	41026017	41027026	41040045
41008099	41010061	41024024	41024063	41024105	41025030	41026018	41027027	41040046
41008100	41010062	41024025	41024064	41024106	41025031	41026019	41027028	41040047
41008101	41010063	41024026	41024065	41024107	41025032	41026021	41027029	41040048
41010001	41010064	41024028	41024066	41024108	41025033	41026023	41027030	41040049
41010002	41010065	41024029	41024067	41024110	41025034	41026024	41035001	41040050
41010003	41010066	41024030	41024068	41024111	41025035	41026025	41035002	41040051
41010004	41010067	41024031	41024069	41024114	41025036	41026026	41035003	41040052
41010005	41010068	41024032	41024070	41024115	41025037	41026027	41035004	
41010006	41010069	41024033	41024075	41024116	41025038	41026028	41035005	
41010007	41010070	41024034	41024076	41024117	41025039	41026030	41035006	
41010024*	41010071	41024035	41024077	41024118	41025052	41026031	41035007	

* Special district boundary follows the AG-1 zoning district boundary.

** Special district boundary follows the AG-2 zoning district boundary.